

PATENT
SERIAL NO.: 10/020,647
ATTORNEY DOCKET NO.: 29096/37999

REMARKS

Receipt of the office action mailed April 13, 2004, is acknowledged. Claims 1-13 are pending in the application. Claims 1-5 and 7-13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Archer, U.S. Patent 4,340,469 ("Archer") in view of Renk et al., U.S. Patent 4,470,324 ("Renk"). Claim 6 has been objected to as being dependent upon the rejected base claim 5. In keeping with the following remarks, claims 1-13 are in condition for allowance.

Claims 1-5 and 7-13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Archer in view of Renk. With regard to the rejection of claim 1, Applicant has amended claim 1 to recite, in part, that each attachment bolt includes a shank having an inner end and an outer end, and a pressed on collar sized to be received on the shank from the inner end, at least a washer disposed between the inner end and the outer end, and at least an O-ring disposed between the inner end and the outer end, the O-ring being concentric with the washer, wherein the pressed on collar and the outer end of each attachment bolt press the washer and the O-ring to sealably secure the housing to the frame.

With regard to the rejection of claim 5, Applicant has amended claim 5 to recite, in part, a seal assembly disposed on the attachment bolt, wherein each attachment bolt and the corresponding seal assembly cooperatively engage the housing and the frame to sealably secure the housing to the frame.

With regard to the rejection of claim 7, Applicant has amended claim 7 to recite, in part, that each attachment bolt includes a shank, at least a washer is mounted on the shank, the washer having an aperture therethrough sized to form an annular cavity with the shank, and at least an O-ring sized for insertion in the annular cavity, the O-ring

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having a thickness greater than a thickness of the washer, wherein in response to securement of the attachment bolt, the O-ring is compressed to substantially fill the annular cavity, thereby preventing the lubricant from escaping. By comparison, neither Archer nor Renk discloses or even suggests the above-recited elements of claims 1, 5 and 7.

Referring to FIG. 4 of Archer, an enclosed housing 53 (i.e., a wheel case) is shown that is secured to a sidewall 16 of frame 15 (shown in FIG. 1). As shown in FIG. 4, a bolt having a single washer provides attachment of the housing 53 to the sidewall 16. Although the bolt and the washer are shown in FIG. 4, they are neither assigned any reference numbers in FIG. 4 nor discussed in the specification of Archer. Additionally, Archer does not disclose or even suggest how the housing 53 is attached to the sidewall 16 with the bolt and the washer so that the lubricant in the housing 53 cannot leak through the bolt and the washer. Therefore, Archer fails to disclose or even suggest the above-recited elements of claims 1, 5 and 7.

Referring to FIG. 3 of Renk, a gear case 10 is shown mounted on an axle 14. However, the gear case 10 of Renk is not attached to any frame or support structure. Accordingly, the gear case 10 does not require any attachment bolts, and Renk does not disclose or even suggest that such attachment bolts are desired. Therefore, Renk fails to disclose or even suggest the above-recited elements of claims 1, 5 and 7.

Based on the foregoing, because neither Archer nor Renk discloses or even suggests the above-recited elements of claims 1, 5 and 7, Archer, Renk, or a combination thereof cannot support a *prima facie* case of obviousness against claims 1, 5 and 7. Therefore, the rejection of claims 1, 5 and 7 should be withdrawn. Claims 2-4 depend from claim 1, claims 6 and 8-10 depend from claim 5, and claims 10-13 depend

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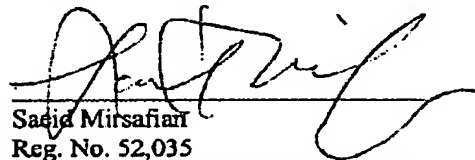
from claim 7. Therefore, the rejection of the noted dependent claims should also be withdrawn

Claim 6 has been amended to keep the language thereof consistent with the amendment made herein to independent claim 5. Claim 6 is now in condition for allowance.

In view of the foregoing, claims 1-13 as presented herein are in good and proper form for allowance. A favorable action on the part of the Examiner is respectfully solicited.

The Examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

Respectfully submitted,



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